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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,403	02/25/2002	Stanislaw Andrzej Wieclawski	LEAR0958PUSA	8791
34007	7590	02/24/2004	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			NELSON JR, MILTON	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,403

Applicant(s)

WIECLAWSKI, STANISLAW
ANDRZEJ

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5,7,9,12,17,20,21 and 23 is/are rejected.
- 7) ☒ Claim(s) 3,6,8,10,11,13,15,16,18,19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 2 of claim 12, "the closing" lacks proper antecedent basis. In line 3 of claim 20, "the headrest" lacks proper antecedent basis. In line 2 of claim 21, "the further seat" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Art Unit: 3636

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 5, 9, 17, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Froumajou (4382629). Note the seat part (2), backrest (3), actuator (5-6 and/or 12-14), and adjusting mechanism (12-14).

5. Claims 1, 2, 4, 9, 17, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolsworth et al (5588707). Note the seat part (16), backrest (18), actuator (22 and/or 34, 44, 46, 50, 56), and adjusting mechanism (34, 44, 46, 50, 56).

6. Claims 1, 2, 5, 9, 17, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer et al (6070934). Note the seat part (34), backrest (24), actuator (44, 46, 51), and adjusting mechanism (50, 57, 58).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Froumajou (4382629) in view of Yokoyama (4568106). The primary reference shows all claimed features of the instant invention with the exception of the belt lock and belt

Art Unit: 3636

tensioner being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. Yokoyama conventionally teaches providing an adjustable seating assembly with a belt lock (6a or 6') and belt tensioner (5) being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by adding the belt lock and belt tensioner being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. Such a modification conventionally provides means for enhancing user safety in various positions of the seating assembly.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolsworth et al (5588707) in view of Yokoyama (4568106). The primary reference shows all claimed features of the instant invention with the exception of the belt lock and belt tensioner being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. Yokoyama conventionally teaches providing an adjustable seating assembly with a belt lock (6a or 6') and belt tensioner (5) being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by adding the belt lock and belt tensioner being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle

Art Unit: 3636

seat. Such a modification conventionally provides means for enhancing user safety in various positions of the seating assembly.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al (6070934) in view of Yokoyama (4568106). The primary reference shows all claimed features of the instant invention with the exception of the belt lock and belt tensioner being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. Yokoyama conventionally teaches providing an adjustable seating assembly with a belt lock (6a or 6') and belt tensioner (5) being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by adding the belt lock and belt tensioner being secured to the seat wherein the belt lock and belt tensioner can be moved together with the vehicle seat. Such a modification conventionally provides means for enhancing user safety in various positions of the seating assembly.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Froumajou (4382629) in view of Mattarella et al (6089641). The primary reference shows all claimed features of the instant invention with the exception of the rear side of the backrest having reception recesses integrated therein. Mattarella et al conventionally teaches providing reception recesses integrated into the rear side of a backrest. Note Figures 8 and 16A. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary

Art Unit: 3636

reference in view of the secondary reference by adding the reception recesses as integrated into the rear side of the backrest. Such a modification conventionally provides means for holding disparate articles when the backrest is in a folded down position.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolsworth et al (5588707) in view of Mattarella et al (6089641). The primary reference shows all claimed features of the instant invention with the exception of the rear side of the backrest having reception recesses integrated therein. Mattarella et al conventionally teaches providing reception recesses integrated into the rear side of a backrest. Note Figures 8 and 16A. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by adding the reception recesses as integrated into the rear side of the backrest. Such a modification conventionally provides means for holding disparate articles when the backrest is in a folded down position.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al (6070934) in view of Mattarella et al (6089641). The primary reference shows all claimed features of the instant invention with the exception of the rear side of the backrest having reception recesses integrated therein. Mattarella et al conventionally teaches providing reception recesses integrated into the rear side of a backrest. Note Figures 8 and 16A. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary

Art Unit: 3636

reference in view of the secondary reference by adding the reception recesses as integrated into the rear side of the backrest. Such a modification conventionally provides means for holding disparate articles when the backrest is in a folded down position.

Allowable Subject Matter

14. Claims 3, 6, 8, 10, 11, 13, 15, 16, 18, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 12 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. Claim 14 is allowed.

Response to Amendment

17. Applicant's response filed November 17, 2003 has been fully considered.

Remaining issues are detailed in the above sections. Applicant's arguments are now moot in view of the new grounds of rejection.

Conclusion

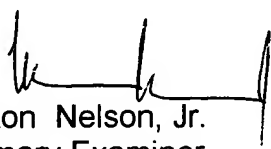
Art Unit: 3636

18. This office action has not been made final since it includes a new grounds or rejection not necessitated by Applicant's amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
February 23, 2004